

5-15-14
AED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

EDWARD D. WARD

PLAINTIFF

v.

No. 4:13CV74-GHD-SAA

EARNEST LEE, ET AL.

DEFENDANTS

JUDGMENT

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The magistrate judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is ordered:

1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That this action be dismissed as to Ernest Lee and Faye Noel for failure to state a constitutional question.
3. That this case **PROCEED** as to "Ofc. John Doe" (the Watch Commander on duty at the time of the incident) and Mildred Rome for failure to protect him from the attack of other inmates.

SO ORDERED, this, the 15th day of May, 2014.

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/s/ Glen H. Davidson
SENIOR JUDGE